

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YES I CAN LICENSED BEHAVIOR ANALYST
PLLC et al.,

Plaintiffs,

-v-

GREEN TREE CAPITAL, LLC et al.,

Defendants.

24 Civ. 7360 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:


The Court has received an *ex parte* application from plaintiff Yes I Can Licensed Behavior Analyst PLLC (“Yes I Can”) for entry under Federal Rule of Civil Procedure 65 of an order that would temporarily enjoin defendant Green Tree Capital, LLC (“Green Tree”) from collecting debt that a state-court order has found to be owed. *See* Dkt. 7. The Court denies the application, as there is no non-frivolous basis for the requested relief to be issued on an *ex parte* basis. Should Yes I Can wish to continue to pursue temporary relief, it is to serve Green Tree with its moving papers, plus a copy of this order. Such service may be made on counsel for Green Tree. Upon successfully effecting such service, Yes I Can is forthwith to file an affidavit on the docket of this case attesting to the fact of such service, and attaching the documents served. Green Tree would then have two business days following the date of such service to respond. The Court does not invite a reply.

For avoidance of doubt, the Court has substantial doubt that it has jurisdiction over this action, including based on the *Rooker-Feldman* doctrine, substantially for the reasons recited in the letter filed yesterday by defendants Steven Berkovitch, Ariel Bouskila, and Berkovitch and Bouskila, PLLC (collectively, “B&B Law”). *See* Dkt. 6. Any renewed application by Yes I Can

for emergency relief should be accompanied by a memorandum of law addressing the arguments in B&B Law's letter.

The Clerk of Court is respectfully directed to close the motion pending at Docket 7.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: October 1, 2024
New York, New York